



LODI TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
FEBRUARY 2, 2010 – 7:30 P.M.  
LODI TOWNSHIP HALL  
3755 PLEASANT LAKE ROAD - ANN ARBOR,  
MICHIGAN

The regular meeting opened with the flag pledge.

1. **Roll call** of the board. Present: Lindemann, Godek, Foley, Rentschler, Canham, Staebler, and Masters. Also present Attorney O'Jack, John Steeb, Planning Commission Chair and 10 citizens..
2. **Consent Agenda.** Moved Foley, seconded Canham to approve the Consent Agenda. Carried.
  - C-1: January Regular meeting minutes.
  - C-2: Approve Investment Report
  - C-3: Recognize Board of Appeals Minutes
  - C-4: Recognize Planning Commission Minutes
  - C-5: Payment of Bills January 6, 2010 through February 2, 2010.
  - C-6: Recognize zoning report
4. **Attorney** - No report.
5. **Sheriff** - Sgt. Archer gave a verbal report. Questions asked concerning current break-ins in Lodi Township
6. **Public Comment offered at 7:34 p.m.**
7. **Revise Agenda** – Moved Masters seconded Lindemann to approve the agenda adding Recycle Ann Arbor Contract under new business, Move Waterland from second to first on the agenda and add the assessor's contract under new business. Carried.
8. **Gravel Pit Inspection Reports**
  - a. **Waterland Trucking (Drake Pit)** - Steve Lemons represented the operation. Items the Township needs to verify include: Establishment of vegetative cover in the restored area, Current surety bond (received 10/01/2009), 2009 tonnage removal (received 1/15/2010) and insurance certificate to cover 2010 (received 10/1/2009).
  - b. **Stoneco (Gensley Pit)** - Sue Hanf and Dave Ward represented the operation. Discussion held on the berm behind Emerson School. The school wants the berm left in place and is left in the restoration plan. A revised site plan will need to be done and will need to be reviewed by the planning commission. Because of the slow economy representatives from the operation feel that they will not be totally completed as stated in the consent agreement. All action items addressed in the report were included within a packet submitted to the township.
  - c. **Ann Arbor Sand and Gravel** - No one was in attendance representing Ann Arbor Sand and Gravel. The board will hold this report until the March meeting.
9. **Unfinished Business - Appointment of Planning Commission member** - Moved Godek, seconded Lindemann to appoint Al D'Agostino to the Lodi Township Planning Commission to fill the vacancy created by Margaret O'Connor's resignation. His term will expire in 2011. Carried.

## 10. New Business

**a. Assessor's Contract** - Moved Masters, seconded Godek to approve the 2010-2011 Assessors's contract. Part of the contract will be paid as an employee (\$1,000 monthly) and the remainder (\$2,300 monthly) will be paid to Rushton Assessment Services. The contract also includes \$50.00 to be paid to Rushton Assessment Services for Tax Tribunal work. Roll Call vote: Aye: Canham, Lindemann, Staebler, Masters, Godek, Foley, and Rentschler. Nay: None. Absent/Abstain: None.

**b. 2010 Poverty Exemption Guidelines** - Moved Masters, seconded Foley to adopt resolution 2010-001 - Lodi Township Poverty Exemption Guidelines. Roll Call Vote: Aye: Masters, Rentschler, Foley, Staebler, Lindemann, Canham, and Godek. Nay: None. Absent/Abstain: None.

**c. SBA Special Use Permit for tower at 4515 W. Waters Road (Carolyn Wheeler property).** Krista Lenart addressed the board regarding the special use permit. Items of discussion included:

- 1 - Adjoining property must be acquired by Carolyn Wheeler
- 2 - Parcel to west must be deed restricted as required by ZBA
- 3 - Tower on Wagner Road where current temporary co-location is held, must be removed within 12 months of cessation of use of the tower.

The board has the discretion to add other requirements, deny, send back to planning commission, or approve the special use permit.

Representatives from the 800 Mhz consortium for Washtenaw County asked that the board consider having SBA reserve space at the 250' (two hundred fifty foot) level of the tower for public safety for future use for Washtenaw County and Emergency management. It was stated that the public safety co-location would not interfere with the W-4 signals as long as they would be below the W-4 antenna. 800 Mhz would not use any utilities that belong to the SBA tower. There are places for 4 co-locations on the current design. 800 Mhz consortium may need space for the future.

Ms Lenart stated that the requirement for the emergency space at the 250 foot level would not allow SBA to fully use the tower to its full business potential. The equipment for the 800 Mhz may not work on the tower, depending on what needs to be co-located on the tower. She does not feel it is not a valid exercise of the township's power to hold that opening in obeisance.

Swenson feels the structure analysis would have to be done before any co-location could be done. 800 Mhz would be willing to up grade the tower to meet their needs.

Foley questioned the possibility of the upgrade.

Masters questioned what other co-locators would use the 250 foot level. No information was available.

Godek feels that the township needs this (reserving the co-location for 800 Mhz) to be granted. Needs to be a benefit to the township and feels having the co-location for emergency services would be a benefit for the township. She feels the township should reserve the space for the public safety. She is also concerned about liability for the township and public safety is most important.

Feels the township needs to be some wording for liability for the township. Concern stated about the riding arena made out of canvas. She would like to see an insurance policy holding the township harmless for any issues that arise from the tower.

Lindemann questioned whether the planning commission be able to grant a fifth co-location on the tower in the future. Steeb stated that it depends on the strength of the tower and the type of equipment that would need to be added. The planning commission would review the amended site plan.

Canham asked the 800 Mhz people about their timeline. Bunton stated that they are hoping to go to the new system in July of this year. They will notice the issues sometime after that depending on reception in some areas. It will take some time to figure out what needs to be done and where equipment may need to be placed. Building density will also make a difference in reception and tower coverage.

Swenson feels that Lodi Township has been generous in approving the variances and it is not unreasonable in return for that to receive something that will help the citizens.

Ms. Lenart stated that because W-4 supplies the public service announcements, they do provide a public service for Lodi Township. ZBA approved the higher height for the tower. Information given by 800 Mhz is speculative. The technology isn't developed yet as to what will be needed. The possible need to reconstruct this tower to accommodate the possible co-location of 800 Mhz. She does not understand how these conditions the township is requesting could be put on the tower as it was requested. She feels it is inappropriate to reserve part of a commercial tower for something that has not yet been developed.

Godek took issue. The township didn't have to grant the variance for the extra space on this tower. We didn't have to have that tower here. They could have looked at many other places. Godek requested verification on the application for the tower. There was a question in the planning commission meeting about whether or not the SBA was replacing the SBA tower on Wagner Road. A copy of the application for a variance states that SBA would be replacing the tower on Wagner Road. There was never a question in her mind of the purpose of the new tower. It is to replace the Wagner Road tower.

Ms Lenart stated that SBA intends to take down the Wagner Road tower. Ann Arbor Transit is still operating on that tower. Until they relocate, the tower can not come down. They don't know how long it will take to co-locate onto the other tower. She feels it is not a contract issue; the concern is the time it might take to go through the co-location process. She believes that they will be co-locating on the new tower, but does not know for sure.

Rentschler questioned why the 800 Mhz committee didn't bring this to the planning commission and ask for this favor and then come to the board expecting the board to take away one of their co-location spots for free.

Godek stated that it was discussed at the planning commission meeting. SBA basically said that they were not going to provide the service.

Rentschler questioned about the money that is being collected through a county millage (for the 800 Mhz) and what is happening to it.

Bunton stated that it does benefit the public safety community and the community at large. That is who the 800 Mhz committee works for.

Godek questioned what the benefit to Lodi Township will be for granting the two variances and allowing the tower. She feels there is a certain element of public safety that the board needs to consider. The tower is currently planned for use by four co-locators.

Rentschler questioned whether we could allow a fifth co-locator on the tower. Steeb stated it depends on the strength of the tower.

Godek stated that she thought that what 800 Mhz is saying is that if they needed the technology in the future, they would be willing to amend the special use permit and pay for whatever design had to change in order to provide the service off the tower. SBA would not be out any money.

O'Jack questioned the removal of the tower. Would SBA be willing to request AATA relocate to the new tower? Would SBA not put anyone else on the Wagner Road tower?

Lenart stated that there are no plans she knows of for anyone to co-locate on the Wagner Road tower. SBA would probably be willing to commit to removal of the Wagner Road tower after it is abandoned. Ordinance provides removal of the tower within a specific time after it is abandoned.

O'Jack is concerned about guarantees for the township/benefits for the township. Lenart stated that SBA would probably be willing to commit to removal.

Masters stated that the one Board of Appeals application stated that the new tower would replace the Wagner Road tower.

Foley requested what the radio station is doing right now. They are running at about 50% power right now. It greatly affects their coverage. The longer the approval takes the larger the burden on the radio station.

Canham questioned whether we could put stipulations in the motion that 800 Mhz, if and when they needed to be put on the tower, they would pick up the expense concerning possible future co-location. She also asked if the tower would have to be modified, etc, how far can the township go on stipulations.

O'Jack questioned who would do the determination as to how it would be modified.

Discussion included adding a fifth space. That could happen only if it is structurally able. A fifth co-location would need to go through the planning commission for a special use permit and by the planner and engineer.

Lenart stated that the request by the township is a total unknown. If it was more defined, they might agree to something.

Godek stated that you could say the SBA would provide at no cost for public safety, a place on the structure, if a determination is made that the structure would hold the needed equipment. Why can't we require that the space be reserved? It doesn't have to be reserved at this time, because

they don't know exactly what they want, but at some point and time when it's needed, SBA will provide the space for 800 Mhz or public safety whatever the need. At that point and time they have go through the structural thing, because what is one size now may be another size when needed and may not be an issue at all. Technology seems to be getting smaller rather than bigger, but at least it guarantees that there will space provided for them on the tower at no cost to the public safety entity. It doesn't have to be provided right now, but in a year from now, they would have to go through the process and they (SBA) would have to give them the space. It would be to add a fifth co-location, only if it is structural safe.

Foley stated that if the structure would be determined to allow a fifth co-location to the tower then the cost for adding 800 Mhz to the tower would be no cost to SBA, and there would be no monthly fee to 800 Mhz for being on the tower. SBA would still have their four commercial co-locations on the tower.

After much more discussion Lindemann moved and Staebler seconded to table the special use permit for SBA/Wheeler Tower. Requesting SBA, 800 Mhz Committee and our attorney work together and come up with an agreement and bring it back to the board next month. Carried.

- d. Grant Application Workshop** - No one expressed interest.
- e. Auditor** - We will use the current auditor
- f. ZBA Workshop** - Workshop will be in Howell in March. Supervisor Godek feels that all the ZBA members need to attend. Moved Foley, second Lindemann to approve all members of the Zoning Board of Appeals to attend if they register by February 22 for the \$70 early bird rate. Carried.
- g. Salary Resolution - Supervisor** - Resolution 2010-002. Moved Canham, seconded Rentschler to set the Supervisor's salary at \$30,000 for 2010-2011. Roll Call Vote: Aye: Masters, Godek, Lindemann, Staebler, Rentschler, Canham, and Foley. Nay: None. Absent/Abstain: None. Resolution declared adopted.
- h. Salary Resolution - Clerk** - Resolution 2010-003. Moved Foley, seconded Canham to set the Clerk's salary at \$31,650 for 2010-2011. Roll Call Vote: Aye: Godek, Masters, Foley, Canham, Rentschler, Staebler, and Lindemann. Nay: None. Absent/Abstain: None. Resolution declared adopted.
- i. Salary Resolution - Treasurer - Resolution 2010-004** - Moved Lindemann, seconded Staebler to set the treasurer's salary for 2010-2011 at \$27,150. Roll Call Vote: Aye: Godek, Foley, Lindemann, Staebler, Canham, Rentschler, and Masters. Nay: None. Absent/Abstain: None. Resolution declared adopted.
- j. Recycle Ann Arbor Contract** - Moved Foley, seconded Masters to approve the two year contract with Recycle Ann Arbor having recycle pick up at the Township Hall on the Fourth Saturday of the month. Roll Call Vote: Yea: Godek, Staebler, Rentschler, Foley, Canham, Masters, and Lindemann. Nay: None. Absent/Abstain: None
- k. Discussion on Furnace** - Suggested getting estimates for possible replacement of the furnace in the offices. Also need to look at the front doors because of heat loss.
- l. Budget Items** - Suggestions brought up for line items that need to be added to the budget. Will look at them at the budget workshop.
- m. Road Commission** - Will be at the March 2 board meeting. The meeting will start at 7:00 with the budget hearing followed by the annual road meeting.
- n. Planning Commission Secretary** - Need to get a job description written and a salary set up. Must do that before anyone can be hired.

**11. CORRESPONDENCE**

**a. Unitarian Wind Turbine** - The FAA denied the requested Wind Turbine at 4001 Ann Arbor Road because of the lack of lighting on the tower.

**12. PUBLIC COMMENT** - Offered at 9:25 p.m.

**13. ADJOURNMENT** - No other business the meeting adjourned at 9:30 p.m. Next meeting will be March 2, 2010 at 7:00 p.m. starting with the budget hearing followed by the annual meeting with the Washtenaw County Road Commission and the regular meeting.

Elaine E. Masters  
Clerk, Lodi Township